

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

TAMMY BRAWNER, and GREG BRAWNER,)
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Plaintiffs,)
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v.) No. 3:17-cv-108-JRG-HBG
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SCOTT COUNTY, TENNESSEE, *et al.*,)
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Defendants.)

ORDER

This case is before the undersigned pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02.

Now before the Court is the Plaintiffs' Motion for Expedited Discovery and Preservation of Evidence [Doc. 5]. In their Motion, Plaintiffs request expedited discovery pursuant to Federal Rule of Civil Procedure 26(d) because Defendant Scott County, Tennessee has failed to respond to Plaintiffs' Open Records Act request that they sent to Defendant Scott County before filing the lawsuit. The Plaintiffs submit that Scott County has failed to provide records sought as required by statute, and the Plaintiffs have been unable to obtain the jail records and use of force reports that would presumably demonstrate which defendants or unknown defendants took which actions. The Plaintiffs submit that they need expedited discovery to ensure that they have the proper defendants before the Court within the time period.

On April 20, 2017, Defendants Scott County, Tennessee, Lisa Terry, Tiffany Byrge, Amy Nicely, Derek Phillips, Shane Mason, and Brittney Brown filed a Notice of Non-Opposition [Doc. 24] to the Plaintiffs' Motion. On the same day, Defendants Advanced Correctional Healthcare

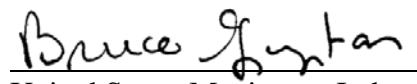
and Brittany Massengale also filed a Notice [Doc. 25] stating that they have no opposition to the Plaintiffs' Motion.

Federal Rule of Civil Procedures 26(d)(1) provides, "A party may not seek discovery from any source before the parties have conferred as required by Rule 26(f), except in a proceeding exempted from initial disclosure under Rule 26(1)(B), or when authorized by these rules, by stipulation, or by court order." Expedited discovery may be granted upon a showing of good cause. *Best v. Mobile Streams, Inc.*, No. 1:12-CV-564, 2012 WL 5996222, at *1 (S.D. Ohio Nov. 30, 2012). "Good cause may be found where the need for expedited discovery, in consideration of the administration of justice, outweighs the prejudice to the responding party." *Id.*

In this case, the Court finds that the Plaintiffs' request is well-taken. The Plaintiffs submit that due to Plaintiff Brawner's mental health, she has little memory concerning the circumstances surrounding her detention. The Plaintiffs have requested such information through the Tennessee Open Records Act, and the discovery will help lead to identifying information that will allow the Plaintiffs to effectuate service of process on the John and Jane Doe officers. Finally, the Defendants, including Defendant Scott County, stated that they do not oppose the Plaintiffs' request. Accordingly, the Plaintiffs' Motion for Expedited Discovery and Preservation of Evidence **[Doc. 5]** is **GRANTED**.

IT IS SO ORDERED.

ENTER:



United States Magistrate Judge